



## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA-2021-1181; Project Identifier MCAI-2021-00562-R; Amendment 39-21901; AD 2022-02-04]**

**RIN 2120-AA64**

#### **Airworthiness Directives; Airbus Helicopters**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain Airbus Helicopters Model AS350B, AS350B2, AS350B3, and AS350BA helicopters. This AD was prompted by a report that a modification of the electrical wiring of the hydraulic system was wrongly embodied on certain helicopters, and a wiring non-conformity caused the solenoid of the tail rotor (TR) load compensator to de-energize when the “HYD” cut-off switch was activated. This AD requires installing a placard in the cockpit, in full view of the pilots; a functional check of the main rotor (MR) and TR servo actuator solenoids, and corrective actions (modification) if necessary; a modification (unless already done); and, after corrective actions or modification, optional removal of the placard, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD becomes effective [INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of [INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

The FAA must receive comments on this AD by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- Federal eRulemaking Portal: Go to <https://www.regulations.gov>. Follow the instructions for submitting comments.
- Fax: 202-493-2251.
- Mail: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- Hand Delivery: Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); Internet: [www.easa.europa.eu](http://www.easa.europa.eu). You may find this material on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817-222-5110. It is also available in the AD docket on the Internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-1181.

#### **Examining the AD Docket**

You may examine the AD docket on the Internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-1181; or in person at Docket

Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

The AD docket contains this AD, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Darren Gassetto, Aerospace

Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; phone: (516) 228-7323; email: [Darren.Gassetto@faa.gov](mailto:Darren.Gassetto@faa.gov).

## **SUPPLEMENTARY INFORMATION:**

### **Background**

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA Emergency AD 2021-0123-E, dated May 7, 2021 (EASA AD 2021-0123-E) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Airbus Helicopters Model AS350B, AS350B2, AS350B3, and AS350BA helicopters.

This AD was prompted by a report that a modification of the electrical wiring of the hydraulic system was wrongly embodied on certain helicopters, and a wiring non-conformity caused the solenoid of the TR load compensator to de-energize when the “HYD” cut-off switch was activated. The FAA is issuing this AD to address the unsafe condition, which if not corrected, could lead to loss of hydraulic power in TR control during application of the emergency procedure for loss of MR hydraulic, or during hydraulic off training when the “HYD” cut-off switch is activated, possibly resulting in loss of control of the helicopter. See the MCAI for additional background information.

### **Related IBR Material Under 1 CFR Part 51**

EASA AD 2021-0123-E specifies procedures for installing a placard in the cockpit, in full view of the pilots; a functional check of the MR and TR servo actuator

solenoids, and corrective actions (modification) if necessary; a modification (unless already done); and, after corrective actions or modification, optional removal of the placard. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

#### **FAA's Determination**

These products have been approved by the aviation authority of another country, and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is issuing this AD after evaluating all pertinent information and determining that the unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### **Requirements of this AD**

This AD requires accomplishing the actions specified in EASA AD 2021-0123-E, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

#### **Explanation of Required Compliance Information**

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities to use this process. As a result, EASA AD 2021-0123-E will be incorporated by reference in the FAA final rule. This AD would, therefore, require compliance with EASA AD 2021-0123-E in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in the EASA

AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in the EASA AD. Service information specified in EASA AD 2021-0123-E that is required for compliance with EASA AD 2021-0123-E is available on the Internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-1181.

### **Justification for Immediate Adoption and Determination of the Effective Date**

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for “good cause” finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

There are currently no domestic operators of these products. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b)(3)(B). In addition, for the foregoing reasons, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

### **Comments Invited**

The FAA invites you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under ADDRESSES. Include “Docket No. FAA-2021-1181; Project Identifier MCAI-2021-00562-R” at the beginning of your comments. The most helpful comments reference a specific portion of the AD, explain the reason for any recommended change, and include supporting data. The FAA will

consider all comments received by the closing date and may amend this AD because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to <https://www.regulations.gov>, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this AD.

### **Confidential Business Information**

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Darren Gassetto, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; phone: (516) 228-7323; email: [Darren.Gassetto@faa.gov](mailto:Darren.Gassetto@faa.gov). Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

### **Regulatory Flexibility Act (RFA)**

The requirements of the RFA do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the

FAA has determined that it has good cause to adopt this rule without prior notice and comment, RFA analysis is not required.

### **Costs of Compliance**

Currently, there are no affected U.S.-registered helicopters. If an affected helicopter is imported and placed on the U.S. Register in the future, the FAA provides the following cost estimates to comply with this AD:

#### **Estimated costs**

<b>Action</b>	<b>Labor cost</b>	<b>Parts cost</b>	<b>Cost per product</b>
Install Placard	1 work-hour X \$85 per hour = \$85	\$0	\$85
Functional Check	1 work-hour X \$85 per hour = \$85	\$0	\$85
Modification	2 work-hours X \$85 per hour = \$170	\$500	\$670

The FAA estimates the following costs to do any necessary on-condition action that would be required based on the results of any required inspections. The FAA has no way of determining the number of helicopters that might need this on-condition action:

#### **On-condition costs**

<b>Action</b>	<b>Labor cost</b>	<b>Parts cost</b>	<b>Cost per product</b>
Modification	2 work-hours X \$85 per hour = \$170	\$500	\$670

### **Authority for this Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by

prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### **Regulatory Findings**

The FAA determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this regulation:

- (1) Is not a “significant regulatory action” under Executive Order 12866, and
- (2) Will not affect intrastate aviation in Alaska.

### **List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### **The Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

### **PART 39 - AIRWORTHINESS DIRECTIVES**

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

#### **§ 39.13 [Amended]**

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

**2022-02-04 Airbus Helicopters:** Amendment 39-21901; Docket No. FAA-2021-1181; Project Identifier MCAI-2021-00562-R.



**(a) Effective Date**

This airworthiness directive (AD) becomes effective [INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to Airbus Helicopters Model AS350B, AS350B2, AS350B3, and AS350BA helicopters, certificated in any category, serial numbers 1241, 1525, 1601, 1708, 1825, 1910, 1973, 2056, 2072, 2361, 2394, 3170, 3223, 3479, 3789, 9005, 9010, and 9035.

**(d) Subject**

Joint Aircraft System Component (JASC) Code 2997, Hydraulic Power System Wiring.

**(e) Unsafe Condition**

This AD was prompted by a report that a modification of the electrical wiring of the hydraulic system was wrongly embodied on certain helicopters, and a wiring non-conformity caused the solenoid of the tail rotor (TR) load compensator to de-energize when the “HYD” cut-off switch was activated. The FAA is issuing this AD to address the unsafe condition, which if not corrected, could lead to loss of hydraulic power in TR control during application of the emergency procedure for loss of main rotor (MR) hydraulic, or during hydraulic off training when the “HYD” cut-off switch is activated, possibly resulting in loss of control of the helicopter.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

**(g) Requirements**

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation

Safety Agency (EASA) Emergency AD 2021-0123-E, dated May 7, 2021 (EASA AD 2021-0123-E).

**(h) Exceptions to EASA AD 2021-0123-E**

(1) Where EASA AD 2021-0123-E refers to its effective date, this AD requires using the effective date of this AD.

(2) The “Remarks” section of EASA AD 2021-0123-E does not apply to this AD.

(3) Where EASA AD 2021-0123-E refers to flight hours (FH), this AD requires using hours time-in-service.

(4) Where Paragraph (1) of EASA AD 2021-0123-E specifies “do not perform any training of in-flight hydraulic off as specified in FMS SUP.7,” this AD requires installing a placard in the cockpit, in full view of the pilots, with the specific statement “Do not perform any training of in-flight hydraulic off as specified in FMS SUP.7.”

(5) Where EASA AD 2021-0123-E refers to “discrepancies,” for the purposes of this AD the definition of “discrepancies” is failure of the functional check.

(6) Where the service information referenced in EASA AD 2021-0123-E specifies to scrap certain wires, this AD requires removing those wires from service.

**(i) No Reporting Requirement**

Although the service information referenced in EASA AD 2021-0123-E specifies to submit certain information to the manufacturer, this AD does not include that requirement.

**(j) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person

identified in paragraph (k) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

**(k) Related Information**

For more information about this AD, contact Darren Gassetto, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; phone: (516) 228-7323; email: Darren.Gassetto@faa.gov.

**(l) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) Emergency AD 2021-0123-E, dated May 7, 2021.

(ii) [Reserved]

(3) For EASA AD 2021-0123-E, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: ADs@easa.europa.eu; Internet: [www.easa.europa.eu](http://www.easa.europa.eu). You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>.

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817-222-5110.

This material may be found in the AD docket on the Internet at

<https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-1181.

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov), or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued on January 6, 2022.

Lance T. Gant, Director,  
Compliance & Airworthiness Division,  
Aircraft Certification Service.

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